

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

ASSOCIATED GENERAL
CONTRACTORS OF AMERICA, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants.

Case No. 5:23-cv-00272-H

Judge Wes Hendrix

**JOINT STIPULATION REGARDING
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [66]**

The parties stipulate to the following:

1. In 2023, the U.S. Department of Labor promulgated a final rule addressing numerous aspects of the Davis-Bacon and Related Acts. Updating the Davis-Bacon and Related Acts Regulations, 88 Fed. Reg. 57,526 (Aug. 23, 2023) (Rule).
2. In this lawsuit, Plaintiffs challenge only four regulations affected by the Rule—those concerning (1) truck drivers; (2) material suppliers; (3) operation of law; and (4) secondary construction sites. *See* First Amended Compl., ECF No. 5; 29 C.F.R. § 5.2 (definitions of “Onsite activities essential or incidental to offsite transportation,” “material supplier,” “secondary construction site(s)”; *id.* § 5.5(e) (operation of law).
3. The Court has preliminarily enjoined Defendants from enforcing only the regulations concerning (1) truck drivers; (2) material suppliers; and (3) operation of law. ECF No. 61.
4. Plaintiffs filed a motion for summary judgment on December 16, 2024. ECF Nos. 66-68.
5. Plaintiffs’ motion seeks relief only as to the three preliminarily enjoined regulations: (1) truck drivers; (2) material suppliers; and (3) operation of law.
6. Plaintiffs do not seek relief as to the regulation concerning (4) secondary construction sites, as described in Paragraphs 40 – 43 in Plaintiffs’ First Amended Complaint.

7. Plaintiff do not seek relief as to any provisions of the Rule not challenged in this lawsuit.

Dated: January 10, 2025

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Respectfully submitted,

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